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UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION  
OFFICE OF THE ADMINISTRATOR

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# 1940 Agricultural Conservation Program Bulletin

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*Issued at Washington, D. C.*

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# CONTENTS

	Page
<b>Sec. 1 Allotments, yields, productivity indexes, payments and deductions</b>	1
(a) Corn	1
(b) Cotton	3
(c) Peanuts	7
(d) Potatoes	8
(e) Rice	9
(f) Tobacco	10
(g) Commercial vegetables	11
(h) Wheat	12
(i) General and total soil-depleting	14
(j) Restoration land	16
(k) Miscellaneous	17
<b>Sec. 2 Soil-building goals, payments, and practices</b>	18
(a) National goal	18
(b) County goals	18
(c) Farm goals	18
(d) Payments	18
(e) Hurricane damaged woodland	20
(f) Deductions	20
(g) Soil-building practices	20
<b>Sec. 3 Soil-depleting acreage</b>	26
<b>Sec. 4 Division of payments and deductions</b>	27
(a) Payments and deductions in connection with general soil-depleting crops, crops for which special crop acreage allotments are determined, and restoration land	27
(b) Payments in connection with soil-building practices	28
(c) Proration of net deductions	29
<b>Sec. 5 Increase in small payments</b>	29
<b>Sec. 6 Payments limited to \$10,000</b>	30
<b>Sec. 7 Deductions incurred on other farms</b>	30
(a) Other farms in the same county	30
(b) Other farms in the State	30
<b>Sec. 8 Deduction for association expenses</b>	30
<b>Sec. 9 Materials furnished as grants of aid</b>	30
<b>Sec. 10 General provisions relating to payments</b>	31
(a) Payment restricted to effectuation of purposes of the program	31
(b) Payment computed and made without regard to claims	32
(c) Changes in leasing and cropping agreements, reduction in number of tenants, and other devices	32
(d) Assignments	32
(e) Excess cotton acreage	33
(f) Use of soil-conserving crops for market	33
<b>Sec. 11 Application for payment</b>	34
(a) Persons eligible to file applications	34
(b) Time and manner of filing application and information required	34
(c) Applications for other farms	35
<b>Sec. 12 Appeals</b>	35
<b>Sec. 13 State and regional bulletins, instructions, and forms</b>	35
<b>Sec. 14 Definitions</b>	36
(a) Officials	36
(b) Areas	36
(c) Farms	36
(d) Cropland	37
(e) Miscellaneous	37
<b>Sec. 15 Authority, availability of funds, and applicability</b>	38
(a) Authority	38
(b) Availability of funds	38
(c) Applicability	38
(d) Combination with range program	38



# 1940 AGRICULTURAL CONSERVATION PROGRAM

## BULLETIN

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Payments and grants of aid will be made for participation in the 1940 Agricultural Conservation Program (hereinafter referred to as the 1940 program) in accordance with the provisions of this bulletin and such modifications thereof as may hereafter be made.

### Section 1.. ALLOTMENTS, YIELDS, PRODUCTIVITY INDEXES, PAYMENTS, AND DEDUCTIONS

#### (a) CORN

(1) **National Goal.** The 1940 national goal for corn is 88,000,000 to 90,000 000 acres.

(2) **National and State Acreage Allotments.** The national and State corn acreage allotments will be established by the Secretary.

(3) **County Acreage Allotments.** County acreage allotments of corn for counties in the commercial corn area shall be established by the Agricultural Adjustment Administration with the assistance of the State committee by distributing the corn acreage allotment established for the commercial corn area within the State among such counties in such State pro rata on the basis of the acreage seeded for the production of corn plus the acreage diverted from corn under the agricultural adjustment and conservation programs in such counties during the ten years 1929 to 1938, with adjustments for abnormal weather conditions and trends in acreage in accordance with a procedure approved by the Secretary.

(4) **Farm Acreage Allotments.** Acreage allotments of corn shall be determined by the county committee, with the assistance of other local committees in the county, in accordance with instructions issued by the Agricultural Adjustment Administration, for farms in the commercial corn area on the basis of tillable acreage, crop rotation practices, type of soil, and topography. The allotment for any farm shall compare with the allotments for other farms in the same community which are similar with respect to such factors. For any farm with respect to which a corn acreage allotment of ten acres or less is determined, if the persons having an interest in the corn planted on the farm so elect, such farm shall be considered as a non-corn-allotment farm. The corn acreage allotments determined for the farms in a county shall not exceed the county corn acreage allotment.

(5) **Normal Yields.** The county committee, with the assistance of other local committees in the county, shall determine for each farm for which a corn acreage allotment is determined or a deduction is computed a normal yield for corn in accordance with instructions issued by the Agricultural Adjustment Administration and the following provisions:

(i) Where reliable records of the actual average yields per acre of corn for the ten years 1930 to 1939 are presented by the farmer or are available to the committee, the normal yield for the farm shall be the



average of such yields adjusted for trends and abnormal weather conditions;

(ii) If for any year of such ten-year period reliable records of the actual average yield are not available or there was no actual yield because corn was not planted on the farm in such year, the normal yield for the farm shall be the yield which, on the basis of all available facts, including the yield customary made on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land, the county committee determines to be the yield which was or could reasonably have been expected on the farm for such ten-year period; and

(iii) The yields determined under subdivision (ii) of this subparagraph (5) shall be adjusted so that the average of the normal yields for all farms in the county (weighted by the respective corn acreage allotments determined for such farms) shall not exceed the county yield established by the Secretary.

(6) **Commercial corn area or commercial corn-producing area** means counties in the States of Ohio, Michigan, Indiana, Kentucky, Illinois, Wisconsin, Minnesota, Iowa, Missouri, South Dakota, Nebraska, and Kansas designated by the Administrator with the approval of the Secretary.

(7) **Non-corn-allotment farm** means a farm in the commercial corn area (a) for which no corn acreage allotment is determined, or (b) for which a corn acreage allotment of ten acres or less is determined and the persons having an interest in the corn planted on the farm elect to have such farm considered as a non-corn-allotment farm for the purposes of the 1940 program.

(8) **Acreage planted to corn** means the acreage of land seeded to field corn, sweet corn, or popcorn, except (1) any acreage of sweet corn contracted to be sold for canning, (2) any acreage of sweet corn sold or to be sold for canning or roasting ears, (3) any acreage of sweet corn sold or used or to be sold or used as seed, (4) any acreage of popcorn sold or used or to be sold or used as seed, (5) any acreage of sown corn used as a cover crop or green manure crop, and (6) any acreage of sweet corn or popcorn in home gardens for use on the farm.

(9) **Usual Acreage of Corn for Grain.** Usual acreages of corn for grain shall be determined for all farms in Area C for which a payment is computed with respect to a potato, tobacco, or wheat acreage allotment and on which the usual acreage of corn for grain is more than 10 acres. The usual acreage of corn for grain shall be determined on the basis of the average annual acreage of corn harvested for grain or diverted therefrom during the years 1937, 1938, and 1939, with appropriate adjustments for crop rotation practices. The sum of the usual acreages of corn for grain determined for such farms in a county shall not exceed the sum of the average annual acreages of corn harvested for grain or diverted therefrom on such farms during the years 1937, 1938, and 1939.

(10) **Payment:** 10 cents per bushel of the normal yield of corn for the farm for each acre in the corn acreage allotment.

(11) **Deduction:** (i) (Farms in the commercial corn area, except non-corn-allotment farms) 50 cents per bushel of the normal yield for the farm for each acre planted to corn in excess of the corn acreage allotment.



(ii) (Non-corn-allotment farms in the commercial corn area) 50 cents per bushel of the normal yield for the farm for each acre planted to corn in excess of 10 acres.

(iii) (Farms in Area C for which a payment is computed with respect to a potato, tobacco, or wheat acreage allotment) \$10.00 per acre for each acre of corn harvested for grain in excess of the larger of the usual acreage of corn for grain determined for the farm or 10 acres.

(b) COTTON

(1) **National Goal.** The 1940 national goal for cotton is 27,000,000 to 29,000,000 acres.

(2) **National and State Acreage Allotments.** The national and State cotton acreage allotments will be established by the Secretary.

(3) **County Acreage Allotments.** (i) County cotton acreage allotments shall be determined by the Agricultural Adjustment Administration as follows: The State acreage allotment of cotton (less 2 percent for use in making allotments to farms on which cotton will be planted in 1940 but on which cotton was not planted in any of the years 1937, 1938, and 1939) shall be prorated among the counties in the State on the basis of the acreage planted to cotton plus the acreage diverted from cotton under agricultural adjustment or conservation programs during the five years 1934 to 1938: *Provided*, That there shall be added to the acreage allotment so determined for each county the number of acres required to provide an acreage allotment in such county of not less than 60 percent of the acreage planted to cotton in such county in 1937 plus 60 percent of the acreage diverted from cotton in the county under the 1937 Agricultural Conservation Program (hereinafter referred to as the 1937 program).

(ii) If the Agricultural Adjustment Administration finds that, because of differences in types, kinds, and productivity of the soil or other conditions, one or more of the administrative areas in any county should be treated separately in order to prevent discrimination, the county acreage allotment shall be apportioned pro rata among such administrative areas on the basis of the acreage planted to cotton in 1937 plus the acreage diverted from cotton under the 1937 program, or, if the Agricultural Adjustment Administration determines that conditions affecting the acreage planted to cotton were not reasonably uniform throughout the county in 1937, then on the basis of the cotton base acreages determined under the 1937 Cotton Price Adjustment Payment Plan. Allotments to the farms within each such administrative area shall be made in the manner provided in subparagraph (4) of this paragraph (b) for the apportionment of county cotton acreage allotments among farms.

(4) **Farm Acreage Allotments.** Farm acreage allotments for cotton shall be determined by the county committee, with the assistance of other local committees in the county, in accordance with instructions issued by the Agricultural Adjustment Administration and the following provisions:

(i) County cotton acreage allotments shall be apportioned among the farms in the county on which cotton was planted in any one or more of the years 1937, 1938, and 1939 in a manner that will result in a cotton acreage allotment for each such farm which is a percentage (which shall be the same percentage for all farms in the county or



administrative area) of the land in the farm in 1939 which was tilled annually or in regular rotation exclusive of the acres of such land normally devoted to the production of sugarcane for sugar, wheat, tobacco, or rice for market, or wheat or rice for feeding to livestock for market, except that:

(a) For any such farm with respect to which the highest acreage planted to cotton and diverted from cotton under agricultural conservation programs in any one of the three years 1937, 1938, and 1939 is less than 5 acres the cotton acreage allotment for the farm shall be such highest number of acres if the county cotton acreage allotment is sufficient therefor;

(b) For any such farm with respect to which the highest number of acres planted to cotton and diverted from cotton under agricultural conservation programs in any one of the three years 1937, 1938, and 1939 is 5 acres or more the allotment for the farm shall not be less than 5 acres if the county cotton acreage allotment is sufficient therefor; and

(c) Notwithstanding the foregoing provisions of this subdivision (i), a number of acres equal to not more than 3 percent of the county acreage allotment in excess of the allotments made to farms on which the highest number of acres planted to cotton plus the acres diverted from cotton under agricultural conservation programs for any of the years 1937, 1938, and 1939 was less than 5 acres and the number of acres required for allotments of 5 acres for each other farm in the county on which cotton was planted in 1937, 1938, or 1939 may be apportioned among farms in the county on which cotton was planted in 1937, 1938, or 1939, and for which the allotment otherwise provided is 5 acres or more but less than 15 acres and less than the highest number of acres planted to cotton and diverted from cotton under agricultural conservation programs in any one of the years 1937, 1938, and 1939.

In making such allotments under item (c) of this subdivision (i) due consideration and weight shall be given to the land, labor, and equipment available for the production of cotton, crop rotation practices, and the soil and other facilities affecting the production of cotton, and such increases shall not be such as to increase the allotment to any farm above 15 acres. In no event shall the allotment for any farm under this subdivision (i) exceed the highest number of acres planted to cotton and diverted from cotton under agricultural conservation programs in any one of the three years 1937, 1938, and 1939.

(ii) In case the county allotment is insufficient to provide allotments to farms in the county which are determined to be adequate and representative in view of their past production of cotton and their tilled land, there shall be apportioned to such farms such part of a State reserve equal to 4 percent of the State acreage allotment as is necessary to give such farms allotments in conformity with subdivision (i) which are as nearly adequate and representative as such 4-percent reserve will permit. Such additional allotment shall be used first to increase allotments to farms under items (a) and (b) of subdivision (i).

(iii) If the cotton acreage allotments for any farms are substantially smaller than the cotton acreage allotments which would have been made without regard to the provisions of items (a) and (b)



of subdivision (i) above, the cotton acreage allotments for such farms shall be increased to the acreage which would have resulted in the absence of such provisions insofar as the remaining portion of the 4-percent State reserve will permit after making allotments under subdivision (ii) above.

(iv) After allotments have been made from the 4-percent State reserve as provided in subdivisions (ii) and (iii) above, one-half of any remainder of the 4-percent reserve shall be apportioned to farms for which the acreage allotment otherwise determined is less than 50 percent of the sum of the acreage planted to cotton in 1937 and the acreage diverted from cotton production in 1937 under the 1937 program, and the other one-half of any remainder of the 4-percent reserve shall be available for increasing the allotments for any farms which are determined to be inadequate and not representative in view of past production on the farm: *Provided*, That the cotton acreage allotment for any farm shall not be increased under this subdivision (iv) above the highest number of acres planted to cotton and diverted from cotton under agricultural conservation programs in any one of the three years 1937, 1938, and 1939: *Provided further*, That the cotton acreage allotment for any farm shall not be increased under this subdivision (iv) above 40 percent of the acreage on such farm which is tilled annually or in regular rotation, except, in States where the total acreage available for such adjustment is less than 5,000 acres, in irrigated areas where the Agricultural Adjustment Administration determines that the application of this limitation would prevent the determination of allotments which are adequate and representative in view of past production on the farms.

(v) Notwithstanding the provisions of subdivisions (i), (ii), (iii), and (iv) above, the cotton acreage allotment for any farm shall be increased by such amount as may be necessary to provide an allotment of not less than 50 percent of the sum of the acreage determined by the county committee to have been planted to cotton in 1937 and the acreage so determined to have been diverted from cotton under the 1937 program: *Provided*, That the cotton acreage allotment for any farm shall not be increased under this subdivision to more than 40 percent of the acreage on such farm which is tilled annually or in regular rotation.

(vi) After making the cotton acreage allotments according to the foregoing provisions of this subparagraph (4) any part of the cotton acreage allotment apportioned to any farm which the operator releases to the county committee because it will not be planted to cotton in 1940 shall be deducted from the allotment to such farm and the acreage so deducted may be apportioned to other cotton farms in the State, preference being given to farms in the same county receiving allotments which are inadequate and not representative in view of the past production of cotton on each farm. In such apportionment the county committee shall consider only the character and adaptability of the soil and other physical facilities affecting the production of cotton and the need of the operator of the farm for an additional allotment to meet the requirements of the families engaged in the production of cotton in 1940 on the farm: *Provided*, That the cotton acreage allotment for any farm shall not be increased under this subdivision to more than 40 percent of the acreage on such farm which is tilled annually or in regular rotation.



(vii) That portion of the State acreage allotment not apportioned among the counties under section (b) (3) (i) shall be apportioned to farms in the State on which cotton will be planted in 1940 but on which cotton was not planted in any of the years 1937, 1938, and 1939, so as to result in allotments which compare with allotments to farms which are similar with respect to land, labor, and equipment available for the production of cotton, crop rotation practices, and the soil and other physical facilities affecting the production of cotton. The acreage on the farm which will be tilled in 1940 or was tilled in 1939 shall, as a reflection of the several factors to be taken into consideration, be regarded as the basic index of the farm's capacity for cotton production. The county committee shall report, through the State committee, to the Agricultural Adjustment Administration the acreage required for the allotments to such farms in the county together with such substantiating data as may be required by the Agricultural Adjustment Administration, and the Agricultural Adjustment Administration shall allot to the county the proportion of that part of the State acreage allotment reserved for this purpose which it finds reasonable on the basis of the data so reported.

(5) **Normal Yields.** The county committee, with the assistance of other local committees in the county, shall determine for each farm for which a cotton acreage allotment is determined or a deduction is computed a normal yield for cotton in accordance with instructions issued by the Agricultural Adjustment Administration and the following provisions:

(i) Where reliable records of the actual average yield of cotton per acre for the five years 1935 to 1939 are presented by the farmer or are available to the committee, the normal yield for the farm shall be the average of such yields adjusted for abnormal weather conditions:

(ii) If for any year of such five-year period records of the actual average yield are not available or there was no actual yield because cotton was not produced on the farm in such year, the normal yield for the farm shall be the yield which, on the basis of all available facts, including the yield customarily made on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land, the county committee determines to be the yield which was or could reasonably have been expected on the farm for such five-year period; and

(iii) The yields determined under subdivision (ii) of this subparagraph (5) shall be adjusted so that the average of the normal yields determined for all farms in the county or administrative area (weighted by the cotton acreage allotments determined for such farms) shall conform to the county or administrative area yield established by the Secretary.

(6) **Acreage planted to cotton** means the acreage of land seeded to cotton the staple of which is normally less than 1½ inches in length and which reaches the stage of growth at which bolls are first formed.

(7) **Payment:** 1.6 cents per pound of the normal yield of cotton for the farm for each acre in its cotton acreage allotment.

(8) **Deduction:** 4 cents per pound of the normal yield of cotton for the farm for each acre planted to cotton in excess of its cotton acreage allotment.



## (c) PEANUTS

(1) **National Goal.** The 1940 national goal for peanuts is 1,550,000 to 1,600,000 acres.

(2) **National and State Acreage Allotments.** The national and State peanut acreage allotments will be established by the Secretary.

(3) **County Acreage Allotments.** County acreage allotments of peanuts for market for counties in the commercial peanut area shall be determined by the Agricultural Adjustment Administration, with the assistance of the State committee, by distributing the State peanut acreage allotment among such counties on the basis of the county acreage allotments established under the 1939 program, or, if counties are included in 1940 for which peanut acreage allotments were not established under the 1939 program, on the basis of the 1938 and 1939 acreages of peanuts in the counties, taking into consideration trends in acreage on commercial peanut farms.

(4) **Farm Acreage Allotments.** In counties included in the commercial peanut area peanut acreage allotments for farms shall be determined by the county committee, with the assistance of other local committees in the county, in accordance with instructions issued by the Agricultural Adjustment Administration, on the basis of the acreage of peanuts for market customarily grown and the tillable acreage on the farm, taking into consideration other special crop acreage allotments established for the farm. The peanut acreage allotments determined for the farms in a county shall not exceed their proportionate share of the county peanut acreage allotment.

(5) **Normal Yields.** The county committee, with the assistance of other local committees in the county, shall determine for each farm for which a peanut acreage allotment is determined or a deduction is computed a normal yield for peanuts in accordance with instructions issued by the Agricultural Adjustment Administration and the following provisions: The normal yield of peanuts for market for any farm shall be determined on the basis of the yields of peanuts made on the farm with due consideration for type of soil, production practices, and the general fertility of the land. The average yield for all farms in any county shall not exceed the county yield established by the Secretary.

(6) **Commercial peanut area** means Virginia, North Carolina, Georgia, Alabama, Florida, and Texas: *Provided*, That any county in any of such States in which not more than 300 acres of peanuts for market were grown in 1939 and there is no tendency to substantially increase such acreage may be excluded from the commercial peanut area upon recommendation of the State committee and approval by the Agricultural Adjustment Administration.

(7) **Peanuts for market** means all peanuts harvested for nuts on a farm on which peanuts are separated from the vines by mechanical means and from which the major portion of the production is sold to persons not living on the farm.

(8) **Payment:** \$2.50 per ton of the normal yield of peanuts for the farm for each acre in its peanut acreage allotment.

(9) **Deduction:** (For farms in commercial peanut area) \$30.00 per ton of the normal yield for the farm for each acre of peanuts for market in excess of its peanut acreage allotment.



## (d) POTATOES

(1) **National Goal.** The 1940 national goal for potatoes is 3,100,000 to 3,300,000 acres.

(2) **National and State Acreage Allotments.** The national and State potato acreage allotments will be established by the Secretary.

(3) **County Acreage Allotments.** County acreage allotments of potatoes for counties in the commercial potato area shall be determined by the Agricultural Adjustment Administration, with the assistance of the State committee, by distributing the State acreage allotment of potatoes among such counties in such State on the basis of the acreage allotments determined under the 1939 program, or, if counties are included for which acreage allotments were not determined under the 1939 program, on the basis of the average acreage devoted to potatoes in such counties during the five years 1935 to 1939, taking into consideration trends in acreage on commercial potato farms and the acreage of potatoes on noncommercial potato farms.

(4) **Farm Acreage Allotments.** In counties included in the commercial potato area, a potato acreage allotment shall be determined by the county committee, with the assistance of other local committees in the county, in accordance with instructions issued by the Agricultural Adjustment Administration, for each farm for which the normal acreage of potatoes is determined to be three acres or more: *Provided*, That in areas designated by the Agricultural Adjustment Administration where more than three acres of potatoes are grown for home use on a substantial number of farms a potato acreage allotment shall be determined for each farm for which the normal acreage of potatoes for market is three acres or more. Potato acreage allotments shall be determined on the basis of good soil management, tillable acreage on the farm, type of soil, topography, production facilities, and the acreage of potatoes customarily grown on the farm. The potato acreage allotment for any farm shall compare with the potato acreage allotments for other farms in the same community which are similar with respect to such factors. The potato acreage allotments determined for farms in a county shall not exceed their proportionate share of the county potato acreage allotment.

(5) **Normal Yields.** The county committee, with the assistance of other local committees in the county, shall determine for each farm for which a potato acreage allotment is determined or a deduction is computed a normal yield for potatoes in accordance with instructions issued by the Agricultural Adjustment Administration and the following provisions: The normal yield of potatoes for any farm shall be determined on the basis of the yields of potatoes made on the farm, with due consideration for type of soil, production practices, and the general fertility of the land. The average yield for all farms in any county shall not exceed the county yield established by the Secretary.

(6) **Commercial potato area** means counties designated by the Agricultural Adjustment Administration as counties normally producing substantial quantities of potatoes for market.

(7) **Payment:** 3 cents per bushel of the normal yield of potatoes for the farm for each acre in its potato allotment.

(8) **Deduction:** (Farms in the commercial potato area) 30 cents per bushel of the normal yield for the farm for each acre planted to



potatoes in excess of the larger of its potato acreage allotment or three acres, or, on farms for which no allotment is determined, in areas designated by the Agricultural Adjustment Administration where more than three acres of potatoes are grown for home use on a substantial number of farms, for each acre planted to potatoes for market in excess of three acres.

(e) RICE

(1) **National Goal.** The 1940 national goal for rice is 880,000 to 900,000 acres.

(2) **National and State Acreage Allotments.** The national and State rice acreage allotments will be established by the Secretary.

(3) **Farm Acreage Allotments.** A rice acreage allotment shall be determined by State and county committees, with the assistance of other local committees in the county, in accordance with instructions issued by the Agricultural Adjustment Administration, for each producer who is participating in the production of rice in 1940.

(i) The acreage allotment for a producer who participated in the production of rice in one or more of the five years 1935 to 1939 shall be determined on the basis of the past production of rice adjusted to the acreage adapted to the production of rice, taking into consideration crop rotation practices, soil fertility, the acreage diverted under previous agricultural adjustment or conservation programs and other physical factors affecting the production of rice, including the labor and equipment available for the production of rice on the farm.

(ii) An acreage not to exceed 3 percent of the State rice acreage allotment shall be apportioned among producers who in 1940 are participating in the production of rice for the first time since 1934, on the basis of the applicable standards of apportionment set forth in this subparagraph, except that the rice acreage allotment to any farm operated by any person(s) who in 1940 is participating in the production of rice for the first time since 1934 shall not exceed 75 percent of the rice acreage allotment that would have been made to the farm had such person(s) participated in the production of rice in one or more of the five years 1935 to 1939.

(4) **Normal Yields.** The State and county committees, with the assistance of other local committees in the county, shall determine for each farm for which a rice acreage allotment is determined or a deduction is computed a normal yield for rice in accordance with instructions issued by the Agricultural Adjustment Administration and the following provisions:

(i) Where reliable records of the actual average yield of rice per acre for the five years 1935 to 1939 are presented by the farmer or are available to the committee, the normal yield of rice for the farm shall be the average of such yields.

(ii) If for any year of such five-year period records of the actual average yield are not available or there was no actual yield because rice was not planted on the farm in such year, the county committee shall ascertain from all the available facts, including the yield customarily made on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land, the yield which was or could reasonably have been expected on the farm for such year, and the yield so determined



shall be used as the actual yield for such year under subdivision (i) of this subparagraph (4).

(iii) If the average of the normal yields for all farms participating in the 1940 program in the State (weighted by the rice acreage allotments therein) exceeds the average yield per acre for the State during the five years 1935 to 1939 established by the Secretary, the normal yields for such farms, determined under subdivisions (i) and (ii) of this subparagraph (4) shall be reduced pro rata so that the average of such normal yields shall not exceed such State average yield.

(5) **Payment:** 6.5 cents per 100 pounds of the normal yield per acre of rice for the farm for each acre in its rice acreage allotment.

(6) **Deduction:** 65 cents per 100 pounds of the normal yield for the farm for each acre planted to rice in excess of its rice acreage allotment.

#### (f) TOBACCO

(1) **National Goal.** The 1940 national goal for

Burley tobacco is 360,000 to 370,000 acres;

Flue-cured tobacco is 730,000 to 770,000 acres;

Fire-cured and dark air-cured tobacco is 155,000 to 165,000 acres;

Cigar filler tobacco Type 41 is 30,000 to 31,000 acres;

Cigar filler and binder tobacco (other than types 41 and 45) is 60,000 to 63,000 acres;

Georgia-Florida Type 62 tobacco is 2,500 to 3,000 acres.

(2) **National and State Acreage Allotments.** The national and State acreage allotments for each kind of tobacco will be established by the Secretary.

(3) **Farm Acreage Allotments.** The acreage allotment for each kind of tobacco for any farm on which tobacco was produced in one or more of the five years 1935-1939 shall be determined by the county committee, with the assistance of other local committees in the county, in accordance with instructions issued by the Agricultural Adjustment Administration, on the basis of the past acreage of tobacco (harvested and diverted) with due allowance for drought, flood, hail, and other abnormal weather conditions; plant-bed and other diseases; land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. Special consideration shall be given to farms for which acreage allotments are small.

The allotment for any farm on which tobacco is produced in 1940 for the first time since 1934 shall be determined by the county committee, with the assistance of other local committees in the county, in accordance with instructions issued by the Agricultural Adjustment Administration, on the basis of the tobacco-producing experience of the farm operator, land, labor, and equipment available for the production of tobacco, crop rotation practices, and the soil and other physical factors affecting the production of tobacco.

(4) **Normal Yields.** The county committee, with the assistance of other local committees in the county, shall determine for each farm for which a tobacco acreage allotment is determined or a deduction is computed a normal yield for tobacco in accordance with



instructions issued by the Agricultural Adjustment Administration and the following provisions:

(i) The normal yield for any farm on which tobacco was produced in one or more of the five years 1935-1939 shall be determined on the basis of the yields of tobacco made on the farm in such five-year period, taking into consideration the soil and other physical factors affecting production of tobacco on the farm, and the yields obtained on other farms in the locality which are similar with respect to such factors.

(ii) The normal yield for any farm on which tobacco is produced in 1940 for the first time since 1934 shall be that yield per acre which the local committee determines is fair and reasonable for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

(iii) The weighted average of the normal yields for all farms in each county shall not exceed the yield established for the county by the Secretary.

(5) **Payment:** The following number of cents per pound of the normal yield per acre of tobacco for the farm for each acre in its tobacco acreage allotment for each of the following kinds of tobacco:

Burley -----	1 cent
Flue-cured -----	1 cent
Fire-cured and dark air-cured -----	1.2 cents
Cigar filler tobacco Type 41 -----	0.6 cent
Cigar filler and binder (except Types 41 and 45) -----	1 cent
Georgia-Florida Type 62 -----	1.2 cents

(6) **Deduction:** 8 cents per pound of the normal yield for the farm for each acre of tobacco harvested in excess of the applicable tobacco acreage allotment.

#### (g) COMMERCIAL VEGETABLES

(1) **Farm Acreage Allotments.** In counties included in the commercial vegetable area a commercial vegetable acreage allotment shall be determined by the county committee, with the assistance of other local committees in the county, in accordance with instructions issued by the Agricultural Adjustment Administration, for each farm on which the average acreage of land normally planted to commercial vegetables is three acres or more, or in areas designated by the Agricultural Adjustment Administration, on the basis of recommendations by the State committee, for each farm on which such average acreage is one acre or more. The commercial vegetable acreage allotment shall be determined on the basis of the average acreage for 1936 and 1937 or the average of a later period adjusted to the 1936-1937 level, with adjustments for abnormal weather conditions, taking into consideration the tillable acreage on the farm, type of soil, production facilities, crop rotation practices, and changes in farming practices. The sum of the commercial vegetable acreage allotments determined for such farms in the county shall not exceed the sum of the average annual acreages of land planted to commercial vegetables on all such farms in the county in 1936 and 1937 except that fair and reasonable adjustments in such acreage may be made, by the State committee in accordance with instructions issued by the Agricultural Adjustment Administration, among commercial



vegetable counties in the State on the basis of shifts in commercial vegetable production.

(2) **Commercial vegetable area** means counties or administrative areas for which the 1936-1937 average acreage of commercial vegetables (other than potatoes, sweet potatoes, cantaloupes, and annual strawberries) is 200 acres or more; except any such county or area for which the State committee, with the approval of the Agricultural Adjustment Administration, determines that the distribution of commercial vegetables from such county or area is confined to small local markets, that there is no tendency towards acreage expansion in such county or area, and that its elimination would not jeopardize the effectiveness of the program.

(3) **Commercial vegetables** means the acreage of annual vegetables or truck crops (including potatoes not in the commercial potato area, sweet potatoes other than for starch, tomatoes, sweet corn, cantaloupes, annual strawberries, commercial bulbs and flowers, but excluding peas for canning or freezing and sweet corn for canning) of which the larger portion of the production is sold to persons not living on the farm: *Provided*, That in the Northeast Region perennial vegetables shall also be included; and *Provided further*, that in any county designated by the State committee, with the approval of the Agricultural Adjustment Administration, as a county in which substantially all tomatoes, cabbages, hot peppers, or pimientos grown are produced for canning, and it is administratively practicable to distinguish between such crops for canning and for other purposes, tomatoes, cabbages, hot peppers, or pimientos for canning shall not be classified as commercial vegetables.

(4) **Payment:** \$1.50 for each acre in the commercial vegetable acreage allotment determined for the farm.

(5) **Deduction:** (Farms in the commercial vegetable area) \$20.00 per acre for each acre of land planted to commercial vegetables in excess of the larger of the commercial vegetable acreage allotment determined for the farm or three acres, or, in areas designated under subparagraph (1) above, in excess of the larger of the allotment or one acre.

#### (h) WHEAT

(1) **National Goal.** The 1940 national goal for wheat is 60 million to 65 million acres.

(2) **National and State Acreage Allotments.** The national and State wheat acreage allotments will be established by the Secretary.

(3) **County Acreage Allotments.** County acreage allotments of wheat shall be established by the Agricultural Adjustment Administration, with the assistance of the State committee, by distributing the State acreage allotment of wheat among the counties in such State pro rata on the basis of the acreage seeded for the production of wheat plus the acreage diverted under agricultural adjustment or conservation programs in such counties during the ten years 1929 to 1938, with appropriate adjustments for abnormal weather conditions and trends in acreage.

(4) **Farm Acreage Allotments.** Acreage allotments of wheat shall be determined by the county committee, with the assistance of other local committees in the county, in accordance with instructions issued by the Agricultural Adjustment Administration, for



farms on which wheat has been planted for harvest in one or more of the years 1937, 1938, and 1939, on the basis of tillable acreage and crop rotation practices as reflected in the usual acreage of wheat on the farm, or the ratio of wheat acreage to cropland in the community or in the county, and on the basis of the type of soil and topography. Not more than 3 percent of the county wheat acreage allotment shall be apportioned to farms in such county on which wheat will be planted for harvest in 1940 but on which wheat was not planted for harvest in any one of the three years 1937, 1938, and 1939, on the basis of tillable acreage, crop rotation practices, type of soil, and topography. The wheat acreage allotment for any farm shall compare with the wheat acreage allotments determined for other farms in the same community which are similar with respect to such factors. For any farm for which a wheat acreage allotment is determined, if the persons having an interest in the wheat planted on the farm so elect, such farm shall be considered for the purposes of the 1940 program as a non-wheat-allotment farm. The wheat acreage allotments determined for farms in a county shall not exceed their proportionate share of the county wheat acreage allotment.

(5) **Usual Acreage of Wheat.** Usual acreages of wheat shall be determined for all non-wheat-allotment farms in Area B and in Area C on which the normal acreage of wheat harvested as grain, or for any other purpose after reaching maturity, is more than ten acres. The usual acreage of wheat shall be determined on the basis of the past acreage with due allowance for the effects of abnormal weather conditions, tillable acreage, crop rotation practices, type of soil, and topography. The sum of the usual wheat acreages determined for such farms in a county shall not exceed the sum of the 1937-1938 average acreages of wheat harvested for grain, or for any other purpose after reaching maturity, on such farms, except upon approval by the Agricultural Adjustment Administration where it is found that the 1937-1938 average acreage was not representative because of abnormal weather conditions or marked shifts in cropping practices in the county.

(6) **Normal Yields.** The county committee, with the assistance of other local committees in the county, shall determine for each farm for which a wheat acreage allotment is determined or a deduction is computed a normal yield for wheat in accordance with instructions issued by the Agricultural Adjustment Administration and the following provisions:

(i) Where reliable records of the actual average yields per acre of wheat for the ten years 1929 to 1938 are presented by the farmer or are available to the committee, the normal yield for the farm shall be the average of such yields adjusted for trends and abnormal weather conditions.

(ii) If for any year of such ten-year period reliable records of the actual average yield are not available or there was no actual yield because wheat was not produced on the farm in such year, the normal yield for the farm shall be the yield which, on the basis of all available facts, including the yield customarily made on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land, the county committee determines to be the yield which was or could reasonably have been expected on the farm for such ten-year period.



(iii) The yields determined under subdivision (ii) of this subparagraph (6) shall be adjusted so that the average of the normal yields for all farms in the county (weighted by the wheat acreage allotments determined for such farms) shall not exceed the county yield established by the Secretary.

(7) **Non-wheat-allotment farm** means (i) a farm for which no wheat acreage allotment is determined, (ii) a farm for which a wheat acreage allotment is determined and the persons having an interest in the wheat planted on the farm elect, in accordance with instructions issued by the Agricultural Adjustment Administration, to have such farm considered for the purposes of the 1940 program as a non-wheat-allotment farm, or (iii) a farm, in an area designated by the Agricultural Adjustment Administration as an area subject to serious erosion, which is owned or leased by a conservation district, an association determined by the State committee to have been organized for conservation purposes, or a State agency authorized by law to own or lease land for conservation or erosion-control purposes.

(8) **Acreage planted to wheat** means (i) any acreage of land devoted to seeded wheat (except when such crop is seeded in a mixture designated by the Agricultural Adjustment Administration upon recommendation of the State committee as a mixture which may reasonably be expected to produce a crop containing such proportions of plants other than wheat that the crop cannot be harvested as wheat for grain or seed); (ii) any acreage of volunteer wheat which is harvested or remains on the land after the final date for disposing of volunteer wheat, such date to be specified by the regional director upon recommendation of the State committee; (iii) any acreage of land which is seeded to a mixture containing wheat designated under (i) above but on which the crops other than wheat fail to reach maturity and the wheat is harvested for grain or seed or reaches maturity.

(9) **Payment:** (Wheat allotment farms) 9 cents per bushel of the normal yield of wheat for the farm for each acre in its wheat acreage allotment.

(10) **Deduction:** (i) (Wheat allotment farms) 50 cents per bushel of the normal yield for the farm for each acre planted to wheat in excess of its wheat acreage allotment.

(ii) (Non-wheat-allotment farms) 50 cents per bushel of the normal yield for the farm for each acre of wheat harvested for grain or for any other purpose after reaching maturity in excess of its wheat acreage allotment or 10 acres, whichever is larger, in Area A, and in excess of the usual acreage of wheat for the farm or 10 acres, whichever is larger, in Area B and in Area C.

#### (i) GENERAL AND TOTAL SOIL-DEPLETING

(1) **National Goal.** The 1940 national goal for total soil-depleting crops is 270,000,000 to 285,000,000 acres.

(2) **National and State Acreage Allotments.** The national and State total soil-depleting acreage allotments will be established by the Secretary.

(3) **County Acreage Allotments.** County acreage allotments of total soil-depleting crops shall be determined by the Agricultural



Adjustment Administration, with the assistance of the State committee, by distributing the State acreage allotment of total soil-depleting crops among the counties in the State on the basis of the total soil-depleting acreage allotments determined in connection with the 1939 Agricultural Conservation Program (hereinafter referred to as the 1939 program), with due allowance for trends in acreage of soil-depleting crops, changes in area designations and crop classifications, the acreage of food and feed crops needed for home consumption in the county, and the relationship of the special crop acreage allotments established for 1939 to the special crop acreage allotments established for 1940.

(4) **Farm Acreage allotments.** The total soil-depleting acreage allotment for any farm shall be determined by the county committee, with the assistance of other local committees in the county, in accordance with instructions issued by the Agricultural Adjustment Administration, on the basis of good soil management, tillable acreage on the farm, type of soil, topography, degree of erosion, the acreage of all soil-depleting crops, including sugar beets and sugarcane for sugar, customarily grown on the farm, and, in areas where the Agricultural Adjustment Administration finds it applicable, the acreage of food and feed crops needed for home consumption on the farm, taking into consideration special crop acreage allotments determined for the farm. The total soil-depleting acreage allotment for any farm shall compare with the total soil-depleting acreage allotments determined for other farms in the same community which are similar with respect to such factors. Total soil-depleting acreage allotments will be determined for all farms in Area A, farms for which a special crop acreage allotment (other than a commercial vegetable acreage allotment) is established in Area B in the Western and East Central Regions, and farms in Area B in the Southern Region on which general crops or livestock are produced for market and for which a special crop acreage allotment (other than a commercial vegetable acreage allotment) is determined.

(5) **Productivity Indexes.** The Secretary will establish for each county or portion of a county, in Area A, a county productivity index or per-acre rates of payment and deduction.

A productivity index or per-acre rate shall be determined for each farm in Area A, in accordance with instructions issued by the Agricultural Adjustment Administration, by the county committee with the assistance of other local committees in the county. Such productivity index or per-acre rate shall be based upon the normal yield per acre for the farm of the major soil-depleting crop in the county as compared with the normal yield per acre for such crop in the county. Where the yield of the major soil-depleting crop in the county does not accurately reflect the productivity of a farm, the yield of any crop that does accurately reflect the productivity of the farm may be used, provided that the productivity index or per-acre rate for such farm shall be adjusted, if necessary, so as to be fair and equitable as compared with the productivity indexes or per-acre rates for other farms in the county having similar soils or productive capacity, and as contrasted with other farms in the county having different soils or productive capacity.



The average productivity index or per-acre rate for all farms for which productivity indexes or per-acre rates are determined in the county shall not exceed 100 or the county per-acre rate, or, in the North Central Region, the county productivity index, respectively, unless it is determined that farms for which such indexes or per-acre rates are determined are not representative of all farms in the county and a variation is approved by the Agricultural Adjustment Administration.

(6) **Non-general-allotment farm** means a farm in Area A for which a total soil-depleting acreage allotment (excluding the cotton acreage allotment) of 20 acres or less is determined in any case where the persons having an interest in the general soil-depleting crops planted on the farm elect to have such farm considered for the purposes of the 1940 program as a non-general-allotment farm.

(7) **General soil-depleting crops or general crops** means all crops and land uses listed in the definition of soil-depleting acreage, except (1) corn, wheat, cotton, rice, tobacco, potatoes, peanuts, commercial vegetables, if a separate payment or deduction is computed for the farm with respect to such crop, and (2) sugar beets and sugar cane for sugar: *Provided*, That corn on a non-corn-allotment farm and wheat on a non-wheat-allotment farm shall always be regarded as general crops for the purpose of determining the division of the net payment or net deduction computed with respect to general crops.

(8) **Payment:** (Farms in Area A, except non-general-allotment farms) \$1.10 per acre, adjusted for the productivity of the farm, for each acre in the total soil-depleting acreage allotment determined for the farm in excess of the sum of (i) the special crop acreage allotments with respect to which a payment is computed for the farm and (ii) the acreage of sugar beets planted for harvest in 1940 for the extraction of sugar.

(9) **Deductions:** (i) (Farms in Area A, except non-general-allotment farms) \$8.00 per acre, adjusted for the productivity of the farm, for each acre of the soil-depleting acreage in excess of the total soil-depleting acreage allotment determined for the farm plus the acreages with respect to which deductions are computed under paragraphs (a) to (h), inclusive, of this section.

(ii) (Non-general-allotment farms in Area A) \$8.00 per acre, adjusted for the productivity of the farm, for each acre of the soil-depleting acreage in excess of the sum of (1) 20 acres, (2) the cotton acreage allotment determined for the farm, and (3) the acreages with respect to which deductions are computed under paragraphs (a) to (h), inclusive, of this section 1.

(iii) (Farms in Area B for which a total soil-depleting acreage allotment is determined) \$5.00 for each acre classified as soil-depleting in excess of the larger of (1) the total soil-depleting acreage allotment determined for the farm plus the acreages with respect to which deductions are computed under paragraphs (a) to (h), inclusive, of this section 1, or (2) 20 acres plus the acreages on which cotton is planted or tobacco is harvested.

#### (j) RESTORATION LAND

(1) **Farm Restoration Land.** Restoration land shall be designated by the county committee, with the assistance of other local committees in the county, in accordance with instructions issued by the



Agricultural Adjustment Administration, on the basis of the land in the farm which was designated as restoration land under the 1939 or 1938 program and any additional land in the farm which has been cropped at least once since January 1, 1930, but on which because of its physical condition and texture and because of climatic conditions a permanent vegetative cover should be restored: *Provided*, That new restoration land shall be designated only on a farm which is operated by the owner or where such designation has been approved by the owner in the case of a tenant-operated farm. The county committee shall designate practices to be applied to restoration land determined to be in need of additional practices. Land formerly designated as restoration land may, if such land was improperly designated, be restored to its former cropland status, with the approval of the State committee, when offset by an equal acreage of land in the county which is properly designated for 1940 as restoration land.

(2) **Restoration land** means farm land in any area designated by the Agricultural Adjustment Administration as an area subject to serious wind erosion or as an area containing large acreages unsuited to continued production of cultivated crops, which has been cropped at least once since January 1, 1930, and which is designated by the county committee as land on which because of its physical condition and texture and because of climatic conditions a permanent vegetative cover should be restored.

(3) **Payment:** 15 cents per acre for each acre of restoration land designated for the farm.

(4) **Deduction:** \$3.00 for each acre of restoration land which is plowed or tilled in 1940 for any purpose other than tillage practices to protect the land from wind erosion or tillage operations in connection with the seeding of an approved non-depleting cover crop or permanent grass mixture.

#### (K) MISCELLANEOUS

(1) **Deduction for Failure to Prevent Wind or Water Erosion:** \$1.00 for each acre of land in an area designated by the Agricultural Adjustment Administration as subject to serious wind or water erosion hazards, with respect to which there are not adopted in 1940 methods recommended by the county committee and approved by the State committee for the prevention of wind or water erosion or both: *Provided*, That in counties designated by the Agricultural Adjustment Administration upon recommendation of the State committee the rate shall be 25 cents per acre for each time wind-erosion-control methods recommended by the county committee are not carried out in 1940 by the date specified by the committee.

(2) **Deduction for Breaking Out Native Sod:** \$3.00 for each acre of native sod or any other land on which a permanent vegetative cover has been established, broken out in any area designated by the Agricultural Adjustment Administration as an area subject to serious wind erosion or as an area containing large acreages unsuited to continuing production of cultivated crops, during the 1940 program year, less the acreage broken out with the approval of the county committee as a good farming practice for which an acreage of cropland other than restoration land is restored to permanent vegetative cover.



**Sec. 2. SOIL-BUILDING GOALS, PAYMENTS, AND PRACTICES**

(a) **National Goal.** The national goal is the conservation of the cropland not required in 1940 for the growing of soil-depleting crops, the restoration, insofar as is practicable, of a permanent vegetative cover on land unsuited to the continued production of cultivated crops, and the carrying-out of soil-building practices that will conserve and improve soil fertility and prevent wind and water erosion.

(b) **County Goals.** Insofar as practicable, county goals shall be established for particular soil-building practices which are not routine farming practices in the county and which are most needed in the county in order to conserve and improve soil fertility and to prevent wind and water erosion.

(c) **Farm Goals.** The soil-building goal for any farm shall be one unit of soil-building practices for each \$1.50 of the payment computed for the farm under paragraph (d) of this section 2: *Provided*, That for any farm, in any area designated by the Agricultural Adjustment Administration as an area subject to serious erosion, which is owned or leased by a conservation district, an association determined by the State committee to have been organized for conservation purposes, or a State agency authorized by law to own or lease land for conservation or erosion-control purposes, the soil-building goal shall not be less than one unit for each \$2.00 of the total payment computed for the farm and the total payment computed for such a farm shall be considered as a payment in connection with soil-building practices.

Insofar as practicable, the county committee shall determine for individual farms practices to be followed in meeting the goal which are not routine farming practices on the farm, but which are needed on the farm in order to conserve and improve soil fertility and prevent wind and water erosion and which will tend to accomplish the goals, if any, established for the county with respect to particular soil-building practices.

(d) **Payments.** The payments in connection with soil-building practices shall be the sum of the following: *Provided*, That for any farm with respect to which the sum of the maximum payments computed under section 1 and subparagraphs 1 to 7, inclusive, of this paragraph (d) is less than \$20.00, the amount determined under this paragraph (d) shall be increased by the amount of the difference:

(1) 55 cents per acre of cropland in the farm in excess of the total soil-depleting acreage allotment for the farm (applicable only to farms in Area A);

(2) \$2 00 per acre of commercial orchards and perennial vegetables on the farm January 1, 1940, except that in the Southern Region (where the commercial orchard and perennial vegetable acreage is not excluded from the acreage of cropland) the rate shall be \$1.50 per acre;

(3) (i) 2 cents per acre of noncrop open pasture land in the farm, plus \$1.00 for each animal unit of grazing capacity (on a 12-month basis) of such pasture, in the North Central Region, Kansas, California, Oklahoma, and Texas: *Provided*, That for any county or group of counties where the grazing capacity of the noncrop open pasture land is reasonably uniform such payment may, upon approval of the Agricultural Adjustment Administration, be computed at a flat rate per acre of noncrop open pasture land, such rate to be



not greater than the average amount of payment per acre of noncrop pasture land determined for such county or group of counties on the basis of the foregoing rate: *Provided further*, That the amounts computed under this subdivision shall not be less than 10 cents times the number of such acres or 640 acres, whichever is smaller; provided that in states or areas where the range conservation program is applicable and is not combined with the Agricultural Conservation Program all non-crop open pasture land shall be classified as range land upon recommendation of the State committee and approval of the Agricultural Adjustment Administration; and *Provided further*, That such payment may be computed at a flat rate for each farm in any county, which rate shall be determined for the farm by the county committee on the basis of the above rates;

(ii) 3 cents per acre of noncrop open pasture land, plus 75 cents for each animal unit of grazing capacity (on a 12-month basis) of such pasture, in North Dakota, Montana, Wyoming, Colorado, New Mexico, Arizona, Utah, Nevada, Idaho, Oregon, and Washington: *Provided*, That for any county or group of counties where the grazing capacity of the noncrop open pasture land is reasonably uniform such payment may, upon approval of the Agricultural Adjustment Administration, be computed at a flat rate per acre of noncrop open pasture land, such rate to be not greater than the average amount of payment per acre of noncrop pasture land determined for such county or group of counties on the basis of the foregoing rate: *Provided further*, That the amounts computed under this subdivision shall not be less than 10 cents times the number of such acres or 640 acres, whichever is smaller; provided that in states or areas where the range conservation program is applicable and is not combined with the Agricultural Conservation Program all noncrop open pasture land shall be classified as range land upon recommendation of the State committee and approval of the Agricultural Adjustment Administration;

(iii) 25 cents per acre of fenced noncrop open pasture land in excess of one-half of the number of acres of cropland in the farm, which is capable of maintaining during the normal pasture season at least one animal unit for each five acres of such pasture land, in the East Central Region and in States in the Southern Region other than Texas and Oklahoma;

(iv) 40 cents per acre of fenced noncrop open pasture land in excess of one-half of the number of acres of cropland in the farm, which is capable of maintaining during the normal pasture season at least one animal unit for each five acres of such pasture land, in the Northeast Region.

(4) 70 cents per acre of cropland in excess of the sum of (1) the special crop acreage allotments with respect to which a payment is computed other than a commercial vegetable acreage allotment and (2) the acreage of sugar beets planted for harvest in 1940 for the extraction of sugar and sugarcane grown for harvest in 1940 for the extraction of sugar (applicable only to farms in Area B and Area C);

(5) 70 cents for each acre in the commercial vegetable acreage allotment for the farm (applicable only to farms in the commercial vegetable area in Area A);

(6) \$1.10 per acre, adjusted for the productivity of the farm, for each acre in the total soil-depleting acreage allotment for the farm



in excess of the sum of (1) the special crop acreage allotments with respect to which a payment is computed for the farm and (2) the acreage of sugar beets planted for harvest in 1940 for the extraction of sugar (applicable only to non-general-allotment farms in Area A);

(7) 45 cents per acre for each acre of restoration land for the farm; and

(8) \$30.00 or \$1.50 times the number of soil-building practice units earned by planting forest trees, whichever is smaller.

(e) **Hurricane damaged woodland.** Payment will be made at the rate of \$4.00 per acre of woodland on the farm, which constitutes a serious fire hazard as a result of hurricane damage in September, 1938, for eliminating such hazard, improving the remaining stand of trees, and providing for the restoration of a full stand, provided such work is done with the prior approval of the county committee and in accordance with such approved system of farm woodlot management as is specified by the Agricultural Adjustment Administration. Woodland on which payment is made hereunder shall not be eligible for credit for soil-building practice 39 and payment hereunder shall not exceed \$60.00 for any farm. This practice is applicable only to farms in New Hampshire, Massachusetts (except Barnstable and Berkshire Counties), Rhode Island, Connecticut (except Fairfield and Litchfield Counties), Nassau and Suffolk Counties of New York, Cumberland, Oxford, and York Counties of Maine, and Caledonia, Chittenden, Essex, Franklin, Lamoille, Orange, Orleans, Washington, Windham, and Windsor Counties of Vermont.

(f) **Deductions:** \$1.50 for each unit by which the soil-building goal is not reached: *Provided*, That for any farm, in any area designated by the Agricultural Adjustment Administration as an area subject to serious erosion, which is owned or leased by a conservation district, an association determined by the State committee to have been organized for conservation purposes, or a State agency authorized by law to own or lease land for conservation purposes, or a State agency authorized by law to own or lease land for conservation or erosion-control purposes, the rate shall be \$2.00.

(g) **Soil-Building Practices.** Such of the soil-building practices listed in the following schedule as the Agricultural Adjustment Administration determines are adapted to any region and should be encouraged in such region shall count toward the achievement of the soil-building goal to the extent indicated therein when such practices are carried out under the provisions of the 1940 program during a period of not more than 12 months ending between August 31 and December 31, 1940, inclusive, in areas designated by the Agricultural Adjustment Administration and in accordance with specifications issued by the regional director or by the State committee with the approval of the regional director. The areas designated for any soil-building practice shall be areas in which such practice is desirable and necessary as a conservation measure. The specifications issued shall be such as to assure that the soil-building practice will be performed in workmanlike manner and in accordance with good farming practice for the locality.

Practices carried out with labor, seed, trees, and other materials furnished entirely by any State or Federal agency other than the Agricultural Adjustment Administration shall not be counted toward



the achievement of the soil-building goal. If a portion of the labor, seed, trees, or other materials used in carrying out any practice is furnished by a State or Federal agency other than the Agricultural Adjustment Administration and such portion represents one-half or more of the total cost of carrying out such practice, such practice shall not be counted toward the achievement of the soil-building goal; if such portion represents less than half of the total cost of carrying out such practice, one-half of such practice shall be counted toward the achievement of the soil-building goal: *Provided*, That labor, seed, trees, and materials furnished to a State, a political subdivision of a State, or an agency thereof by an agency of the same State shall not be deemed to have been furnished by "any State . . . agency" within the meaning of this paragraph. No credit for meeting the soil-building goal shall be given for the planting and protection of forest trees planted under a cooperative agreement entered into with the Forest Service in connection with the Prairie States Forestry Project.

Full credit for meeting the soil-building goal will be given for any of the practices listed in the following schedule which are carried out under the Department's water facilities program if the entire cost of labor, materials, and equipment used in carrying out such practices is paid by the owner or operator or covered by a loan agreement executed by him. If a portion of such cost is not paid by the owner or operator or covered by a loan agreement executed by him and such portion constitutes less than one-half of such cost, one-half credit will be given. If such portion constitutes one-half or more of such cost, no credit for meeting the soil-building goal will be given for such practices.

Wind-erosion-control practices and restoration-land measures carried out with the use of equipment furnished by the Soil Conservation Service on a farm, in an area designated by the Agricultural Adjustment Administration as an area subject to serious erosion, which is owned or leased by a conservation district, an association determined by the State committee to have been organized for conservation purposes, or a State agency authorized by law to own or lease land for conservation or erosion-control purposes shall not (by virtue of the use of such equipment) be deemed to have been paid for in whole or in part by a State or Federal agency.

Trees purchased from a Clark-McNary Cooperative State Nursery shall not be deemed to have been paid for in whole or in part by a State or Federal agency.

The unit credits listed below are the maximum units allowable, and the credit for any practice included may, for any State or area within a State, be adjusted downward by the State committee with the approval of the Agricultural Adjustment Administration in order to reflect relatively lower costs or relative desirability of the practice.

#### SCHEDULE OF SOIL-BUILDING PRACTICES

##### **Application of materials.—**

(1) Application of the following materials to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, annual ryegrass, Natal grass, or permanent pasture, and, in the case of 16 percent superphosphate, to or in connection with green manure crops in orchards. If these ma-



terials are applied to any of such crops seeded or grown in connection with a soil-depleting crop, only such proportionate part, if any, of the material applied shall be counted as is specified by the Agricultural Adjustment Administration.

(i) 300 pounds of 16 percent superphosphate (or its equivalent)—1 unit.

(ii) 150 pounds of 50-percent muriate of potash (or its equivalent)—1 unit.

(iii) 500 pounds of basic slag or rock (or colloidal) phosphate—1 unit.

(2) Application of 300 pounds of gypsum containing not less than 18 percent sulphur (or its sulphur equivalent)—1 unit.

(3) Application of 1,000 lbs., air-dry weight, of straw or equivalent mulching material (excluding barnyard and stable manure), in commercial orchards or on commercial vegetable land in any area designated by the Agricultural Adjustment Administration as an area in which straw normally costs more than \$5.00 per ton—1 unit.

(4) Application of two short tons, air-dry weight, of straw or equivalent mulching materials (excluding barnyard and stable manure), in orchards or on commercial vegetable land—1 unit.

(5) Application of the following quantities of ground limestone (or its equivalent) in any area designated by the Agricultural Adjustment Administration as an area in which the average cost of ground limestone to farmers is:

(i) Not more than \$2.00 per ton-----	2,000 lb.	} equal 1 unit.
(ii) More than \$2.00 but not more than \$3.00 per ton -----	1,500 lb.	
(iii) More than \$3.00 but not more than \$5.00 per ton -----	1,000 lb.	
(iv) More than \$5.00 per ton-----	600 lb.	

#### Seedings.—

(6) Seeding alfalfa—1 unit per acre.

(7) Seeding permanent grasses or permanent pasture mixtures containing a full seeding of legumes or grasses, or both, other than timothy and redtop (applicable only to varieties and areas designated by the Agricultural Adjustment Administration with respect to which the cost of establishing improved pastures is exceptionally high and their increase is important)—2 units per acre.

(8) Seeding annual lespedeza, annual ryegrass, annual sweet clover, biennial legumes, perennial legumes, perennial grasses (other than timothy or redtop), or mixtures (other than a mixture consisting solely of timothy and redtop) containing biennial legumes, perennial legumes, or perennial grasses (except any of such crops qualifying at higher rate of credit under any other practice listed in this paragraph (g))— $\frac{1}{2}$  unit per acre.

(9) (a) Seeding winter legumes—1 unit per acre.

(b) Seeding lespedeza in the Southern Region— $\frac{2}{3}$  unit per acre.

(10) Establishment of a permanent vegetative cover by planting sod pieces of perennial grasses—3 units per acre.

(11) Establishment of a permanent vegetative cover by planting crowns of kudzu—4 units per acre.

(12) Seeding timothy or redtop or a mixture consisting solely of timothy and redtop— $\frac{1}{4}$  unit per acre.



**Pasture improvement.—**

(13) Reseeding depleted pastures or restoration land with good seed of adapted pasture grasses or legumes—10 pounds of seed—1 unit.

(14) Natural reseedling of noncrop open pasture by nongrazing during the normal pasture season on an acreage equal to two-thirds of the number of acres of such pasture required to carry one animal unit for a 12-month period—1 unit.

(15) With prior approval of the county committee, development of springs or seeps by excavation at the source, 5 cubic feet of soil or gravel or 3 cubic feet of rock formation excavated: *Provided*, That the source is protected from trampling, and at least 20 cubic feet of available water storage is provided; and *Provided further*, That the minimum credit shall be 13 units and the maximum credit shall be 67 units for this practice (applicable only in arid or semi-arid areas)—1 unit.

(16) Construction of reservoirs and dams.—10 cubic yards of material moved in making the fill or excavation or 7 cubic feet of concrete or rubble masonry—1 unit.

**Green manure crops and cover crops.—**

(17) Green manure crops of which a good stand and good growth is plowed or disced under on land not subject to erosion or if subject to erosion such crop is followed by a winter cover crop. Cover crops of which a good stand and good growth is left on land subject to erosion or in orchards or on commercial vegetable or potato land or on such other land as is designated by the Agricultural Adjustment Administration. Green manure crops and cover crops shall not include (1) lespedeza, (2) any crop for which credit is given in 1940 under any other practice, (3) wheat on nonirrigated land except in humid areas designated by the Agricultural Adjustment Administration, (4) soybeans from which seed is harvested by mechanical means, and (5) such other crops as may be determined by the Agricultural Adjustment Administration as not qualifiable for any area.—

Summer non-legumes, except in orchards or on commercial vegetable or potato land— $\frac{1}{2}$  unit per acre.

Other green manure and cover crops—1 unit per acre.

(18) Summer legumes not classified as soil-depleting (interplanted or grown in combination with soil-depleting crops) of which a good stand and good growth is obtained and the forage is not harvested, excluding soybeans from which seed is removed by mechanical means— $\frac{1}{4}$  unit per acre.

**Erosion control.—**

(19) Contour ridging or terracing of noncrop open pasture land—750 linear feet of ridge or terrace—1 unit.

(20) Construction of 200 linear feet of standard terrace for which proper outlets are provided—1 unit.

(21) Construction of concrete or rubble masonry check dams or drops and measuring weirs or the control of erosion, leaching, and seepage of irrigated cropland and orchard land (applicable only in arid and semi-arid areas)—7 cubic feet of concrete or rubble masonry—1 unit.

(22) Construction of 300 linear feet of ditching with a depth of one foot and a top width of four feet, or the cubic equivalent thereof,



for the diversion and spreading of flood water or well water on restoration land, cropland, pasture land, or hay land (applicable only in arid and semi-arid areas)—1 unit.

(23) Construction of one cubic yard of rip-rap of rock along active streams for the control of erosion of farm land—1 unit.

(24) Leveling of hummocks created by wind erosion, where such practice has the prior approval of the county committee (applicable only on a farm, in an area designated by the Agricultural Adjustment Administration as an area subject to serious erosion, which is owned or leased by a conservation district, an association determined by the State committee to have been organized for conservation purposes, or a State agency authorized by law to own or lease land for conservation or erosion-control purposes—1 unit per acre.

(25) Protecting muck land subject to serious wind erosion by establishing or maintaining approved shrub windbreaks— $\frac{1}{2}$  unit per acre.

(26) Contour listing, deep or shallow subsoiling, or contour furrowing noncrop land (the acreage of this practice shall be computed on the basis of the area so handled, each furrow or strip being considered to occupy an area not in excess of one-half rod in width— $\frac{1}{4}$  unit per acre.

(27) Leaving on the land as a protection against wind erosion (only in wind-erosion areas designated by the Agricultural Adjustment Administration) the stalks of sorghums (including broomcorn) or Sudan grass, where it is determined by the county committee that such cover is necessary as a protection against wind erosion and the operator's farming plan provides that such cover will be left on the land until the spring of 1941 (except any of such crops qualifying at a higher rate of credit under any other practice listed in this paragraph (g)— $\frac{1}{4}$  unit per acre.

(28) Protecting land, which was properly designated as restoration land in 1938 or 1939, on which the county committee finds that no soil-building practice is needed in 1940 for the establishment of a permanent vegetative cover— $\frac{1}{4}$  unit per acre.

(29) Maintenance of a protective vegetative cover on cropland cropped in 1939 and fallowed in 1938 where it is determined by the county committee that such cover is necessary as a protection against wind erosion (applicable only in summer-fallow areas designated by the Agricultural Adjustment Administration upon recommendation of the State committee)— $\frac{1}{4}$  unit per acre.

(30) Stripcropping, including protection of summer fallow by means of strip fallowing— $\frac{1}{4}$  unit per acre.

(31) Protecting summer-fallowed acreage from wind and water erosion by contour listing, pit cultivation, or incorporating stubble and straw into the surface soil (no credit will be given for this practice when carried out on light sandy soils or on soils in any area where destruction of the vegetative cover results in the land becoming subject to serious wind erosion)— $\frac{1}{4}$  unit per acre.

(32) Contour farming intertilled crops— $\frac{1}{8}$  unit per acre.

(33) Contour listing (except when carried out on protected summer-fallowed acreage or as a part of a seeding operation)— $\frac{1}{6}$  unit per acre.

(34) Pit cultivation, pits to be at least four inches in depth below surface of soil and constructed so that surface of pit covers at least



25 percent of the ground surface (no credit will be given for this practice when carried out on protected summer-fallowed acreage or as a part of a seeding operation)— $\frac{1}{8}$  unit per acre.

(35) Contour seeding of small-grain crops— $\frac{1}{10}$  unit per acre.

(36) Natural vegetative cover or small-grain stubble of crops harvested in 1940 left on cropland not tilled in 1940 after July 1, where it is determined by the county committee that such cover is necessary as a protection against wind erosion and the operator's farming plan provides that such cover will be left on the land until the spring of 1941— $\frac{1}{10}$  unit per acre.

(37) Contour cultivation with a shallow furrowing or shovel-type implement following a small-grain crop harvested in 1940, furrows being not more than 20 inches apart— $\frac{1}{10}$  unit per acre.

#### **Forestry.—**

(38) Cultivating, protecting, and maintaining, by replanting if necessary, a good stand of forest trees, or a mixture of forest trees and shrubs, suitable for wildlife and planted between July 1, 1936, and July 1, 1940—2 units per acre.

(39) With prior approval of the county committee, improving a stand of forest trees under such approved system of farm woodlot and wildlife management as is specified by the Agricultural Adjustment Administration—2 units per acre.

(40) Planting forest trees (including shrubs beneficial to wildlife or in protective plantings) provided such trees are protected from fire and grazing and cultivated in accordance with good tree culture and wildlife management practice—5 units per acre.

(41) Restoration of farm woodlots, normally overgrazed, by non-grazing during the entire year 1940 (credit will not be allowed for more than two acres of woodland for each animal unit normally grazed on such woodland)— $\frac{1}{4}$  unit per acre.

#### **Other Practices.—**

(42) Growing a home garden for a landlord, tenant, or share-cropper family on a farm in accordance with specifications issued by the State committee with the approval of the regional director (applicable only in areas designated by the Agricultural Adjustment Administration upon recommendation of the State committee as areas where home gardens generally are not kept or are inadequate and should be encouraged.)—1 unit.

(43) Eradication or control of seriously infested plots of perennial noxious weeds, designated by the Agricultural Adjustment Administration, on cropland, orchard land, or noncrop pasture land, in organized weed-control areas, in accordance with good chemical or tillage methods—5 units per acre.

(44) Applying sand free from stones or loam to a depth of at least one-half inch on fruiting cranberry bogs—5 units per acre.

(45) Flooding fruiting cranberry bogs before January 1, 1940, and holding the water on such bogs continuously until July 5, 1940—5 units per acre.

(46) Renovation of perennial grasses or perennial legumes or mixtures of perennial grasses and perennial legumes— $\frac{1}{2}$  unit per acre.

(47) Deep subsoiling cropland or land in orchards (the acreage of this practice shall be computed on the basis of the area so handled,



each furrow being considered to occupy an area not in excess of one-half rod in width)— $\frac{1}{4}$  unit per acre.

### Sec. 3. SOIL-DEPLETING ACREAGE

Soil-depleting acreage means the acreage of land devoted during the 1940 crop year to one or more of the following crops or uses (land on which a volunteer crop is harvested shall be classified as if the crop had been planted).

(a) Corn planted for any purpose (except sown corn used as a cover crop or green manure crop and sweet corn or popcorn grown in a home garden for use on the farm).

(b) Tobacco harvested for any purpose.<sup>1</sup>

(c) Grain sorghums planted for any purpose.

(d) Cotton which reaches the stage of growth at which bolls are first formed.

(e) Sugar beets planted for any purpose or sugar-cane grown for any purpose.

(f) Rice planted for any purpose.

(g) Peanuts harvested for nuts or dug for hay.

(h) Broomcorn planted for any purpose.

(i) Mangels or cowbeets planted for any purpose.

(j) Potatoes planted for any purpose (except when grown in a home garden for use on the farm).

(k) Annual truck and vegetable crops planted for any purpose (except when grown in a home garden for use on the farm).

(l) Commercial bulbs and flowers, commercial mustard, cultivated sunflowers, safflower, or hemp, harvested for any purpose.

(m) Field beans planted for any purpose (except when grown in a home garden for use on the farm or when incorporated into the soil as green manure).

(n) Peas planted for canning, freezing, or dried peas (except when grown in a home garden for use on the farm or when incorporated into the soil as green manure).

(o) Soybeans harvested for seed or when seed matures in Area A except Texas, Oklahoma, Arkansas, and the following counties in Missouri: Butler, Dunklin, Mississippi, New Madrid, Pemiscot, Ripley, Scott, and Stoddard.

(p) Flax planted for any purpose (except when used as a nurse crop for biennial or perennial legumes or perennial grasses which are seeded in a workmanlike manner or, in areas designated by the Agricultural Adjustment Administration as areas where it is not practicable to use flax as a nurse crop, when matched acre for acre by biennial or perennial legumes or perennial grasses seeded alone in a workmanlike manner).

(q) Wheat planted (or regarded as planted) for any purpose on a wheat-allotment farm.

<sup>1</sup> Each acre of Georgia-Florida Type 62 tobacco shall be counted as  $\frac{8}{10}$  of an acre if (1) an average of at least four top leaves is left on each stalk on all the acreage of such tobacco grown on the farm in 1940 and all such stalks are cut within seven days after harvesting of the other leaves is completed and are either left on the land for the remainder of 1940 or plowed under, and (2) a cover crop of sorghum, cowpeas, velvet beans, or crotalaria, or any mixture of these, is seeded in 1940 on all land on the farm planted to such tobacco and a reasonably good stand and good growth of such cover crop is attained and is plowed under or disced in before December 31, 1940, after it has attained at least three months growth, provided such cover crop shall not be counted toward meeting the soil-building goal regardless of how used.



(r) Wheat (on a non-wheat-allotment farm), oats, barley, rye, emmer, speltz, or mixtures of these crops, harvested for grain.

(s) Wheat on a non-wheat-allotment farm, oats, barley, rye, emmer, speltz, or mixtures of these crops (including designated mixtures containing wheat on any farm), harvested for hay (except (1) when such crops are used as nurse crops for legumes or perennial grasses which are seeded in a workmanlike manner and the nurse crop is cut green for hay, or (2) when such crops are grown in a mixture containing at least 25 percent by weight of winter legumes).

(t) Buckwheat, Sudan grass, or millet harvested for grain or seed.

(u) Sweet sorghums, when harvested for any purpose in the East Central Region, in the North Central Region except South Dakota and Nebraska, or in Area B in the Southern Region; when harvested for grain, seed, or sirup in the Western Region, in Area A in the Southern Region, or in Nebraska and South Dakota; and when harvested for silage in the commercial corn area in the States of Kansas, Nebraska, and South Dakota.

(v) Land summer-fallowed in the States of Washington, Oregon, Idaho, and Utah (except when such land is seeded in 1940 to a non-depleting crop approved by the Agricultural Adjustment Administration or is irrigated land which is cultivated periodically to control noxious weeds).

(w) Land summer-fallowed in any area and not protected from wind and water erosion by methods approved by the State committee.

(x) Such other similar crops and uses as may be specified by the Agricultural Adjustment Administration.

#### Sec. 4. DIVISION OF PAYMENTS AND DEDUCTIONS

**(a) Payments and deductions in connection with general soil-depleting crops, crops for which special crop acreage allotments are determined, and restoration land.**

(1) The net payment or net deduction computed for any farm with respect to general soil-depleting crops, or any crop for which a special acreage allotment is established, shall be divided among the landlords, tenants, and sharecroppers in the same proportion (as indicated by their acreage shares expressed in terms of either acreages or percentages) that such persons are entitled, as of the time of harvest, to share in the proceeds (other than a fixed commodity payment) of such crop grown on the farm in 1940: *Provided*, That if any such crop is not grown on the farm in 1940 or the acreage of such crop is substantially reduced by flood, hail, drought, insects, or plant-bed diseases the net payment or net deduction computed for such crop shall be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines such persons would have been entitled to share in the proceeds of such crop if the entire acreage in the acreage allotment for such crop had been planted and harvested in 1940: *Provided further*, That if for any reason the total acreage of cotton on the farm in 1940 is less than 80 percent of the cotton acreage allotment for the farm and the acreage of cotton which is or would have been grown thereon by any tenant or sharecropper in 1940 is not substantially proportionate to the acreage of cotton which such tenant or sharecropper would normally grow thereon, and all the persons who are or would have been entitled to receive a share of the proceeds of



cotton agree, as shown by their signatures on the application for payment or a separate statement, the net payment or net deduction computed for cotton for the farm shall be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines such persons would have been entitled to share in the proceeds of the cotton crop if the entire acreage in the cotton acreage allotment had been planted and harvested in 1940, but in no event shall the acreage share so determined for any person be less than such person's acreage share of the acreage planted to cotton on the farm in 1940: *And provided further*, That, in cases where two or more separately-owned tracts of land comprise a farm in any area designated by the Agricultural Adjustment Administration as an area in which a substantial proportion of the farms comprise two or more separately-owned tracts of land, upon written agreement of all persons who are entitled to receive a share of the proceeds of any such crop the share of each such person in the net payment or net deduction computed with respect to such crop on such farm shall be that share which fairly reflects the contribution of each such person to performance with respect to such crop and also results substantially in a division of such payment or deduction among landlords, tenants, and sharecroppers as classes as each such class shares in the crop, or proceeds thereof, with respect to which the payment or deduction is being made.

(2) The payment computed with respect to restoration land under paragraph (j) (3) of section 1 shall be made to the person who is the owner of the land as of June 30, 1940, unless the land is rented for cash, in which case the payment shall be made to the cash tenant as of such date.

(3) In computing such net payments and such net deductions with respect to acreage allotments and general crops, the deduction with respect to (1) corn for grain in Area C, (2) total soil-depleting crops in Area B, (3) failure to prevent wind or water erosion, (4) cropping restoration land, (5) breaking-out of native sod, or (6) any net deduction computed with respect to the soil-building goal, shall be regarded as a deduction with respect to general crops in Area A and shall be regarded as a pro rata deduction with respect to the payments computed in connection with crop acreage allotments in Areas B and C.

(b) **Payments in connection with soil-building practices.** The amount of net payment earned in connection with the soil-building goal for the farm shall be paid to the landlord, tenant, or sharecropper who carried out the soil-building practices. If the county committee determines that more than one such person contributed to the carrying-out of soil-building practices on the farm in the 1940 program, such payment shall be divided in the proportion that the units contributed by each such person to such practices bears to the total units of such practices carried out on the farm in such program. All persons contributing to the carrying-out of any soil-building practice on a particular acreage shall be deemed to have contributed equally to the units of such practice unless it is established to the satisfaction of the county committee that their respective contributions thereto were not in equal proportion, in which event such units shall be divided in the proportion which the county committee determines each such person contributed thereto.



(c) **Proration of net deductions.** If the sum of the net payments computed for all persons on a farm exceeds the sum of the net deductions computed for all persons on such farm, the sum of the net deductions computed for all persons on such farm shall be prorated among the persons on such farm for whom a net payment is computed, on the basis of such computed net payments. If the sum of the net deductions computed for all persons on a farm equals or exceeds the sum of the net payments computed for all persons on such farm, no payment will be made with respect to such farm and the amount of such net deductions in excess of the net payments shall be prorated among the persons on such farm for whom a net deduction is computed, on the basis of such computed net deductions.

### Sec. 5. INCREASE IN SMALL PAYMENTS

The total payment computed under Secs. 1 to 4, for any person with respect to any farm shall be increased as follows:

(1) Any payment amounting to 71 cents or less shall be increased to \$1.00;

(2) Any payment amounting to more than 71 cents but less than \$1.00 shall be increased by 40 percent;

(3) Any payment amounting to \$1.00 or more shall be increased in accordance with the following schedule:

Amount of payment computed	Increase in payment	Amount of payment computed	Increase in payment
\$1.00 to \$1.99-----	\$0. 40	\$32.00 to \$32.99-----	\$10. 40
\$2.00 to \$2.99-----	. 80	\$33.00 to \$33.99-----	10. 60
\$3.00 to \$3.99-----	1. 20	\$34.00 to \$34.99-----	10. 80
\$4.00 to \$4.99-----	1. 60	\$35.00 to \$35.99-----	11. 00
\$5.00 to \$5.99-----	2. 00	\$36.00 to \$36.99-----	11. 20
\$6.00 to \$6.99-----	2. 40	\$37.00 to \$37.99-----	11. 40
\$7.00 to \$7.99-----	2. 80	\$38.00 to \$38.99-----	11. 60
\$8.00 to \$8.99-----	3. 20	\$39.00 to \$39.99-----	11. 80
\$9.00 to \$9.99-----	3. 60	\$40.00 to \$40.99-----	12. 00
\$10.00 to \$10.99-----	4. 00	\$41.00 to \$41.99-----	12. 10
\$11.00 to \$11.99-----	4. 40	\$42.00 to \$42.99-----	12. 20
\$12.00 to \$12.99-----	4. 80	\$43.00 to \$43.99-----	12. 30
\$13.00 to \$13.99-----	5. 20	\$44.00 to \$44.99-----	12. 40
\$14.00 to \$14.99-----	5. 60	\$45.00 to \$45.99-----	12. 50
\$15.00 to \$15.99-----	6. 00	\$46.00 to \$46.99-----	12. 60
\$16.00 to \$16.99-----	6. 40	\$47.00 to \$47.99-----	12. 70
\$17.00 to \$17.99-----	6. 80	\$48.00 to \$48.99-----	12. 80
\$18.00 to \$18.99-----	7. 20	\$49.00 to \$49.99-----	12. 90
\$19.00 to \$19.99-----	7. 60	\$50.00 to \$50.99-----	13. 00
\$20.00 to \$20.99-----	8. 00	\$51.00 to \$51.99-----	13. 10
\$21.00 to \$21.99-----	8. 20	\$52.00 to \$52.99-----	13. 20
\$22.00 to \$22.99-----	8. 40	\$53.00 to \$53.99-----	13. 30
\$23.00 to \$23.99-----	8. 60	\$54.00 to \$54.99-----	13. 40
\$24.00 to \$24.99-----	8. 80	\$55.00 to \$55.99-----	13. 50
\$25.00 to \$25.99-----	9. 00	\$56.00 to \$56.99-----	13. 60
\$26.00 to \$26.99-----	9. 20	\$57.00 to \$57.99-----	13. 70
\$27.00 to \$27.99-----	9. 40	\$58.00 to \$58.99-----	13. 80
\$28.00 to \$28.99-----	9. 60	\$59.00 to \$59.99-----	13. 90
\$29.00 to \$29.99-----	9. 80	\$60.00 to \$185.99-----	14. 00
\$30.00 to \$30.99-----	10. 00	\$186.00 to \$199.99-----	(1)
\$31.00 to \$31.99-----	10. 20	\$200.00 and over-----	(2)

<sup>1</sup>Increase to \$200.00

<sup>2</sup>No increase.



**Sec. 6. PAYMENTS LIMITED TO \$10,000**

The total of all payments made in connection with programs for 1940 under section 8 of the Soil Conservation and Domestic Allotment Act to any individual, partnership, or estate with respect to farms, ranching units, and turpentine places located within a single State, territory, or possession shall not exceed the sum of \$10,000, prior to deduction for association expenses in the county or counties with respect to which the particular payment is made. The total of all payments made in connection with such programs to any person other than an individual, partnership, or estate with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, and Puerto Rico) shall not exceed the sum of \$10,000 prior to deduction for association expenses in the county or counties with respect to which the particular payment is made.

All or any part of any payment which has been or otherwise would be made to any person under the 1940 program may be withheld or required to be returned if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means, which was designed to evade, or would have the effect of evading, the provisions of this section.

**Sec. 7. DEDUCTIONS INCURRED ON OTHER FARMS**

(a) **Other farms in the same county.** If the deductions computed under Secs. 1 and 2 with respect to any farm in a county exceed the payment for full performance on such farm computed under such sections a landlord's or tenant's share of the amount by which such deduction exceeds such payments shall be deducted from such landlord's or tenant's share of the payment which would otherwise be made to him with respect to any other farm or farms in such county.

(b) **Other farms in the State.** If the deductions computed under Secs. 1 and 2 for a landlord or tenant with respect to one or more farms in a county exceed the payments computed for such landlord or tenant on the other farms in such county, the amount of such excess deductions shall be deducted from the payments computed for such landlord or tenant with respect to any other farm or farms in the State if the State committee finds that the crops grown and practices adopted on the farm or farms with respect to which such deductions are computed substantially offset the contribution to the program made on such other farm or farms.

**Sec. 8. DEDUCTION FOR ASSOCIATION EXPENSES**

There shall be deducted pro rata from the payments with respect to any farm all or such part as the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by the county agricultural conservation association in the county in which the farm is located.

**Sec. 9. MATERIALS FURNISHED AS GRANTS OF AID**

Wherever it is found practicable, limestone, superphosphate, trees, seeds, and other farming materials, upon request of the producer, may



be furnished by the Agricultural Adjustment Administration as grants of aid to be used in carrying out approved soil-building practices which shall be counted toward meeting the soil-building goal for the farm. Wherever such material is furnished, a deduction from the payment for the farm shall be made in the amount of the approximate average cost of such material to the Agricultural Adjustment Administration in the county, State, or other area. Such deduction shall be applied first to the payment computed for the person to whom such material is furnished, and the balance, if any, of such deduction shall be prorated among the payments to the other persons sharing in the payment with respect to the farm for which such material was obtained or on which it was used. Materials shall only be furnished pursuant to a producer's request and agreement upon a form prescribed by the Agricultural Adjustment Administration. Such agreement shall provide that (1) in the event the amount of deduction for materials exceeds the amount of the payment with respect to the farm the amount of such difference shall be paid by the producer to the Secretary; (2) if the producer uses any such material in a manner which is not in substantial accord with the purposes for which such material was furnished, the deduction with respect to the material misused shall be twice the regular rate of deduction in order to compensate the Government for damages because of such misuse; and (3) the finding of the county committee that the material has been used in a manner which is not in substantial accord with the purposes for which it was furnished, and as to the amount of the material so misused, shall be final when approved by the State committee, subject to the right of appeal under the provisions of Sec. 12.

Notwithstanding any other provisions herein, in areas designated by the Agricultural Adjustment Administration, for any farm on which no performance is rendered under the 1940 program except the carrying-out of practices through the use of materials furnished by the Agricultural Adjustment Administration, the furnishing of such materials shall be in lieu of any payment which otherwise might be computed for the farm.

#### Sec. 10. GENERAL PROVISIONS RELATING TO PAYMENTS

(a) **Payment restricted to effectuation of purposes of the program.** (1) All or any part of any payment which otherwise would be made to any person under the 1940 program may be withheld or required to be returned (a) if he adopts or has adopted any practice which the Secretary determines tends to defeat any of the purposes of the 1940 or previous agricultural conservation programs, (b) if, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized, or (c) if, with respect to forest land or woodland owned or controlled by him, he adopts or has adopted any practice which the Agricultural Adjustment Administration finds is contrary to sound conservation practices.

(2) Payments other than payments in connection with restoration land and in connection with soil-building practices will be made only with respect to farms which are being operated in 1940.



(3) In areas designated by the Agricultural Adjustment Administration as areas subject to serious wind erosion in 1940, no payment will be made to any person with respect to any farm which such person owns or operates in a county if the county committee finds that such person has been negligent and careless in his farming operations by failing to carry out approved wind-erosion-control measures on land under his control to the extent that any part of such land has become a wind-erosion hazard in 1940 to other land in the community in which such farm is located.

**(b) Payment computed and made without regard to claims.** Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances (except as provided in paragraph (d) of this section and indebtedness to the United States subject to set-off under orders issued by the Secretary), and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

**(c) Changes in leasing and cropping agreements, reduction in number of tenants, and other devices.** If on any farm in 1940 any change of the arrangements which existed on the farm in 1939 is made between the landlord or operator and the tenants or sharecroppers and such change would cause a greater proportion of the payments to be made to the landlord or operator under the 1940 program than would have been made to the landlord or operator for performance on the farm under the 1939 program, payments to the landlord or operator under the 1940 program with respect to the farm shall not be greater than the amount that would have been paid to the landlord or operator if the arrangements which existed on the farm in 1939 had been continued in 1940, if the county committee certifies that the change is not justified and disapproves such change.

If on any farm the number of sharecroppers or share tenants in 1940 is less than the average number on the farm during the three years 1937 to 1939 and such reduction would increase the payments that would otherwise be made to the landlord or operator, such payments to the landlord or operator shall not be greater than the amount that would otherwise be made, if the county committee certifies that the reduction is not justified and disapproves such reduction.

If the State committee finds that any person who files an application for payment pursuant to the provisions of the 1940 program has employed any other scheme or device, (including coercion, fraud, or misrepresentation) the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such person would normally be entitled, the Secretary may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require such person to refund, in whole or in part, the amount of any payment which has been or would otherwise be made to such person in connection with the 1940 program.

**(d) Assignments.** Any person who may be entitled to any payment in connection with the 1940 program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1940. No such assignment will be recognized unless the assignment is made in writing on Form ACP-69 in accordance with the instructions (ACP-70) issued



by the Agricultural Adjustment Administration and unless such assignment is entitled to priority as determined under the instructions governing the recording of such assignments issued by the Agricultural Adjustment Administration.

Nothing contained in this paragraph (d) shall be construed to give an assignee a right to any payment other than that to which the farmer is entitled nor (as provided in the statute) shall the Secretary or any disbursing agent be subject to any suit or liability if payment is made to the farmer without regard to the existence of any such assignment.

(e) **Excess cotton acreage.** Any person who makes application for payment with respect to any farm located in a county in which cotton is planted in 1940 shall file with such application a statement that he has not knowingly planted cotton or caused cotton to be planted, during 1940, on land in any farm in which he has an interest, in excess of the cotton acreage allotment for the farm for 1940, and that cotton was not planted in excess of such allotment by his authority or with his consent.

Any person who knowingly plants cotton, or causes cotton to be planted on his farm in 1940 on acreage in excess of the cotton acreage allotment for the farm for 1940 shall not be eligible for any payment whatsoever, on that farm or any other farm, under the provisions of the 1940 program. Any person having an interest in the cotton crop on a farm on which cotton is planted in 1940 on an acreage in excess of the cotton acreage allotment for the farm for 1940 shall be presumed to have knowingly planted cotton on his farm on acreage in excess of such farm cotton acreage allotment if notice of the farm allotment is mailed to him prior to the completion of the planting of cotton on the farm, unless the farmer establishes the fact that the excess acreage was planted to cotton due to his lack of knowledge of the number of acres in the tract(s) planted to cotton. Such notice, if mailed to the operator of the farm, shall be deemed to be notice to all persons sharing in the production of cotton on the farm in 1940.

(f) **Use of soil-conserving crops for market.** Payment will not be made with respect to any farm unless on such farm in 1940 an acreage of cropland or restoration land, not devoted to soil-depleting crops, is withheld from the production of soil-conserving crops for market, equal to the acreage by which the normal acreage of soil-depleting crops on such farm exceeds the larger of (1) the total soil-depleting acreage allotment for the farm or (2) the acreage devoted to soil-depleting crops on the farm in 1940: *Provided*, That payments shall not be denied any farmer for using such soil-conserving crops for market (1) if in the county in which the farm is located the number of cows kept for the production of milk or products thereof for market does not exceed the normal number of such cows; (2) if on such farm the number of cows kept for the production of milk or the products thereof for market does not exceed the normal number of such cows; or (3) if the Agricultural Adjustment Administration determines either (a) that the farmer has substantially complied with the provisions of this paragraph or (b) that the county, as a whole, is in substantial compliance with such provisions.

Any farmer shall be deemed to have substantially complied with the provisions of this paragraph either (1) if the increase above normal in the number of dairy cows on his farm does not exceed two cows



or (2) if none of the soil-conserving crops to which such provisions are applicable is used for market other than through the disposition of dairy livestock for slaughter or through the disposition of less than ten percent of the milk, or products thereof, produced on the farm. A county, as a whole, shall be deemed to be in substantial compliance with such provisions unless: (1) the number of cows kept for the production of milk in the county exceeds by more than five percent the normal number of such cows; (2) the acres retired from soil-depleting crops in the county exceed five percent of the normal acreage of such crops and exceed 1,000 acres; and (3) the average number of cows kept for the production of milk exceeds two cows per farm and exceeds two cows per 160 acres of farm land.

The normal acreage of soil-depleting crops and the number of cows kept for the production of milk or the products thereof for market shall be determined for any farm in accordance with instructions issued by the Agricultural Adjustment Administration, and the Agricultural Adjustment Administration shall determine, from the latest available statistics of the Department, and shall announce the counties not deemed to be in substantial compliance.

As used in this paragraph (f), the term "for market" means for disposition by sale, barter, or exchange, or by feeding (in any form) to dairy livestock which, or the products of which, are to be sold, bartered, or exchanged, and such term shall not include consumption on the farm. An agricultural commodity shall be deemed to be consumed on the farm if consumed by the farmer's family, employees, or household, or if fed to poultry or livestock other than dairy livestock on his farm or if fed to dairy livestock upon his farm and such dairy livestock, or the products thereof, are to be consumed by his family, employees, or household. As used in this paragraph (f), the term "soil-conserving crops" means grasses and legumes grown on cropland except those listed in the definition of soil-depleting acreage in Sec. 3.

#### Sec. 11. APPLICATION FOR PAYMENT

(a) **Persons eligible to file applications.** An application for payment with respect to a farm may be made by any person for whom, under the provisions of Sec. 4, a share in the payment with respect to the farm may be computed and (1) who at the time of its harvest is entitled to share in any of the crops grown on the farm under a lease or operating agreement, or (2) who is owner or operator of such farm and participates thereon in 1940 in carrying out approved soil-building practices, or (3) who as of June 30, 1940, is owner or cash tenant of a farm on which restoration land is designated.

(b) **Time and manner of filing application and information required.** Payment will be made only upon application submitted through the county office on or before a date fixed by the regional director but not later than March 31, 1941. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (2) to refuse to accept any application for payment if any form or information required is not submitted to the county office within the time fixed by the regional director. At least two weeks' notice to the public shall be given of the expira-



tion of a time limit for filing prescribed forms, and any time limit fixed shall be such as affords a full and fair opportunity to those eligible to file the form within the period prescribed. Such notice shall be given by mailing the same to the office of each county committee and making copies of the same available to the press.

(c) **Applications for other farms.** If a person has the right to receive all or a portion of the crops or proceeds therefrom produced on more than one farm in a county and makes application for payment with respect to one of such farms, such person must make application for payment with respect to all such farms which he operates or rents to other persons. Upon request by the State committee any person shall file with the committee such information as it may request regarding any other farm in the State with respect to which he has the right to receive all or a portion of the crops or proceeds thereof or which he rents to another for cash.

### Sec. 12. APPEALS

Any person may, within 15 days after notice thereof is forwarded to or made available to him, request the county committee in writing to reconsider its recommendation or determination in any of the following matters respecting any farm in the operation of which he has an interest as landlord, tenant, or sharecropper: (a) eligibility to file an application for payment; (b) any soil-depleting acreage allotment, usual acreage, normal or actual yield, measurement, or soil-building goal; (c) the division of payment; or (d) any other matter affecting the right to or the amount of his payment with respect to the farm. The county committee shall notify such person of its decision in writing within 15 days after receipt of such written request for reconsideration. If such person is dissatisfied with the decision of the county committee he may, within 15 days after such decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify such person of its decision in writing within 30 days after the receipt of the appeal. If such person is dissatisfied with the decision of the State committee, he may, within 15 days after such decision is forwarded to or made available to him, request the regional director to review the decision of the State committee.

Written notice of any decision rendered under this section by the county or State committee shall also be issued to each person known to it who, as landlord, tenant, or sharecropper having an interest in the operation of the farm, may be adversely affected by such decision. Only a person who shows that he is adversely affected by the outcome of any request for reconsideration or appeal may appeal the matter further, but any person who, as landlord, tenant or sharecropper having an interest in the operation of the farm, would be affected by the decision to be made on any reconsideration by the county committee or subsequent appeal shall be given a full and fair hearing if he appears when the hearing thereon is held.

### Sec. 13. STATE AND REGIONAL BULLETINS, INSTRUCTIONS, AND FORMS

The Agricultural Adjustment Administration is hereby authorized to make such determinations and to prepare and issue such State and



regional bulletins, instructions, and forms as may be required in administering the 1940 program pursuant to the provisions hereof.

#### Sec. 14. DEFINITIONS

For the purposes of the 1940 program, unless the context otherwise requires:

##### (a) OFFICIALS

(1) **Secretary** means the Secretary of Agriculture of the United States.

(2) **Regional director** means the director of the division of the Agricultural Adjustment Administration in charge of the agricultural conservation programs in the region.

(3) **State committee** or **State agricultural conservation committee** means the group of persons designated within any State to assist in the administration of the agricultural conservation programs in such State.

(4) **County committee** or **county agricultural conservation committee** means the group of persons elected within any county to assist in the administration of the agricultural conservation programs in such county.

##### (b) AREAS

(1) **Northeast Region** means the area included in the States of Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.

(2) **East Central Region** means the area included in the States of Delaware, Kentucky, Maryland, North Carolina, Tennessee, Virginia, and West Virginia.

(3) **Southern Region** means the area included in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, South Carolina, and Texas.

(4) **North Central Region** means the area included in the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Wisconsin.

(5) **Western Region** means the area included in the States of Arizona, California, Colorado, Idaho, Kansas, Montana, Nevada, New Mexico, North Dakota, Oregon, Utah, Washington, and Wyoming.

(6) **Area A** means the North Central Region, North Dakota, Kansas, and such counties or administrative areas in Arkansas, Oklahoma, Texas, New Mexico, Colorado, Wyoming, Montana, and California as may be designated by the Agricultural Adjustment Administration as counties or areas normally producing a surplus of general soil-depleting crops.

(7) **Area B** means the East Central Region and those portions of the Southern and Western Regions not included in Area A.

(8) **Area C** means the Northeast Region.

##### (c) FARMS

**Farm** means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the Agri-



cultural Adjustment Administration, determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

#### (d) CROPLAND

(1) **Cropland** means farm land which in 1939 was tilled or was in regular rotation, excluding restoration land and any land which constitutes, or will constitute if such tillage is continued, a wind-erosion hazard to the community, and excluding also, except in the Southern Region, any land in commercial orchards or perennial vegetables.

#### (e) MISCELLANEOUS

(1) **Person** means an individual, partnership, association, corporation, estate, or trust, and, wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(2) **Landlord** or **owner** means a person who owns land and rents such land to another person or operates such land.

(3) **Sharecropper** means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of a crop produced thereon or of the proceeds thereof.

(4) **Tenant** means a person other than a sharecropper who rents land from another person (for cash, a fixed commodity payment, or a share of the proceeds of the crops) and is entitled under a written or oral lease or agreement to receive all or a share of the proceeds of the crops produced thereon, and in the case of rice also means a person furnishing water for a share of the rice.

(5) **Commercial orchards and perennial vegetables** means the acreage in planted or cultivated fruit trees, nut trees, vineyards, hops, bush fruits, or perennial vegetables on the farm on January 1, 1940 (excluding non-bearing orchards and vineyards and excluding perennial vegetables in the Northeast Region), from which the major portion of the production is normally sold.

(6) **Noncrop open pasture land** means pasture land (other than rotation pasture land and range land) on which the predominant growth is forage suitable for grazing and on which the number or grouping of any trees or shrubs is such that the land could not fairly be considered as woodland.

(7) **Special crop acreage allotment** means a corn, cotton, wheat, tobacco, rice, peanut, potato, or commercial vegetable acreage allotment.

(8) **Animal unit** means one cow, one horse, five sheep, or five goats, two calves, or two colts, or the equivalent thereof.



**Sec. 15. AUTHORITY, AVAILABILITY OF FUNDS, AND APPLICABILITY**

(a) **Authority.** This program is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act (49 Stat. 1148), as amended, and in connection with the effectuation of the purposes of section 7 (a) of said Act in 1940 the payments and grants of aid provided for herein will be made for participation in the 1940 program.

(b) **Availability of funds.** The provisions of the 1940 program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the making of the payments and grants of aid herein provided are contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such payments and grants of aid will necessarily be within the limits finally determined by such appropriation, the apportionment of such appropriation under the provisions of the Soil Conservation and Domestic Allotment Act, as amended, and the extent of national participation. As an adjustment for participation the rates of payment and deduction with respect to any commodity or item of payment may be increased or decreased from the rates set forth herein by as much as 10 percent.

(c) **Applicability.** The provisions of the 1940 program contained herein, except Sec. 8, are not applicable to (1) Hawaii, Puerto Rico, and Alaska; (2) counties for which special agricultural conservation programs under said Act are approved for 1940 by the Secretary; and (3) public domain of the United States, including land owned by the United States and administered under the Taylor Grazing Act or by the Forest Service of the United States Department of Agriculture, and other lands in which the beneficial ownership is in the United States.

(d) **Combination with Range Program.** The Range Conservation Program may be combined with the Agricultural Conservation Program for 1940 in any State or area upon recommendation of the State committee and the approval of the Agricultural Adjustment Administration, in which case range land shall be treated as non-crop pasture and the range-building practices shall be treated as incorporated in the agricultural conservation program. In any area where the programs are combined the payment in connection with soil-building practices for noncrop open pasture land in any case where the acreage of such land is in excess of 640 acres shall not be computed on more than one animal unit for each 10 acres of such pasture, nor on more than 60 acres for each animal unit of grazing capacity, and the payments in connection with soil-building practices shall include the allowance computed for mountain meadow land.

Done at Washington, D. C., this 25th day of January, 1940. Witness my hand and the seal of the Department of Agriculture.<sup>2</sup>

[SEAL]

H. A. WALLACE,  
*Secretary of Agriculture.*

<sup>2</sup> This is the attestation of Supplement 7 to the 1940 Agricultural Conservation Program. Similar attestations appeared on the 1940 Agricultural Conservation Program, approved September 6, 1939, and on Supplements 1 and 5, approved November 25, 1939, and January 19, 1940, respectively.

This bulletin contains all the provisions of the 1940 program effective January 25, 1940, except State acreage allotments for wheat, cotton, and corn, and county normal yields of corn, contained in Supplements, 2, 3, 4, and 6.